

RESPONSE TO OFFICE ACTION

Serial No. 09/886,307

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REMARKS

This is intended as a full and complete response to the Office Action dated July 14, 2005, having a shortened statutory period for response set to expire on October 14, 2005. Please reconsider the claims pending in the application for reasons discussed below.

Claim 1-4, 6-12, 17 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,360,005 to *Aloni, et al.* (hereinafter "*Aloni*"), in view of U.S. Patent No. 5,305,391 to *Gomibuchi* (hereinafter "*Gomibuchi*"). The Applicants respectfully disagree.

Contrary to the Examiner's assertion, *Aloni* does not teach or suggest acquiring images on a substrate surface having a non-linear motion. Specifically, *Aloni* teaches that the time line (of the sample) may vary linearly as a function of instantaneous scanner velocity. See, *Aloni*, Column 9, Lines 45-48. If the velocity was non-linear, i.e., the substrate was accelerating or decelerating, the time line could not vary linearly as a function of velocity. Thus, *Aloni* does not teach or suggest acquiring images on a substrate surface having a non-linear motion.

Moreover, *Gomibuchi* does not teach or suggest acquiring images on a substrate surface having a non-linear motion. Thus, *Gomibuchi* does not teach or suggest a modification to *Aloni* that would yeild: "[a]n apparatus ... comprising: ... a controller ... compris[ing] ... at least one substrate imaging program that when executed on the processor performs a method of: (a) determining the trigger intervals for at least two trigger signals for the acquisition of at least two images on a substrate surface moving with *non-linear motion*" as recited in claim 1 (emphasis added); "[a] method ... comprising: (a) determining the trigger intervals for at least two trigger signals for the acquisition of at least two images on a substrate surface moving with *non-linear motion*" as recited in claim 10 (emphasis added); or "a method ... comprising: (a) determining an interval corresponding to at least one image position defining an image on a *non-linearly* moving substrate surface; [and] ... (e) determining an integration interval for a second sensor of the time-domain camera corresponding to the *non-linear* movement of the substrate surface" as recited in claim 20 (emphasis added).

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Therefore, the Applicants submit that claims 1, 10 and 20, and claims 2-4, 6-9, 11-12 and 17 depending therefrom, are patentable over *Aloni* in view of *Gomibuchi*. Accordingly, the Applicants respectfully request the rejection be withdrawn.

Claims 13-16, 19, 21-26 and 28-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Aloni* in view of *Gomibuchi* in further view of U.S. Patent No. 6,388,414 to *Kobayashi* (hereinafter “*Kobayashi*”). The Applicants respectfully disagree.

The patentability of independent claims 10 and 20 over the combination of *Aloni* and *Gomibuchi* has been discussed above. Moreover, *Kobayashi* does not teach or suggest obtaining information from a surface that is moving non-linearly. Thus, *Kobayashi* does not teach or suggest a modification to the combination of *Aloni* and *Gomibuchi* described above that would yield: “[a]n apparatus ... comprising: ... a controller ... compris[ing] ... at least one substrate imaging program that when executed on the processor performs a method of: (a) determining the trigger intervals for at least two trigger signals for the acquisition of at least two images on a substrate surface moving with *non-linear motion*” as recited in claim 1 (emphasis added); or “[a] method ... comprising: (a) determining the trigger intervals for at least two trigger signals for the acquisition of at least two images on a substrate surface moving with *non-linear motion*” as recited in claim 10 (emphasis added).

Therefore, the Applicants submit that claims 13-16, 19, 21-26 and 28-30, that depend from claims 10 and 20, are patentable over *Aloni* in view of *Gomibuchi*, and in further view of *Kobayashi*. Accordingly, the Applicants respectfully request the rejection be withdrawn.

As for the rejection of claims 31-33 from which the Examiner refers to his rejection to claims 1-4, 6-17, 19-26 and 28-30, the Applicants respectfully disagree. Specifically, any combination of *Aloni*, *Gomibuchi*, and *Kobayashi* does not teach or suggest interacting with an object having a non-linear motion.

Therefore, the Applicants submit that claims 31-33 are patentable over the references of records. Accordingly, the Applicants respectfully request the rejection be withdrawn.

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CONCLUSION

Thus, the Applicants submit that all claims now pending are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issuance are earnestly solicited.

If, however, the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone Mr. Keith Taboada at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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